

March 14, 2018

Mr. Devin Leary
Human & Rohde Inc.
512 Virginia Ave.
Towson MD 21286

Re: KDP Properties, 10540 Philadelphia Road
Forest Buffer Variance-Parking
Alternatives Analysis-Stormwater Management
Tracking No. 06-18-2658

Dear Mr. Leary:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the variance request and alternatives analysis submitted for the referenced project pursuant to Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains. This submittal proposes impacts to 12,183 square feet of the forest buffer for parking lot and stormwater management facility construction. Impacts include 11,705 square feet of non-forested buffer, and 478 square feet of forested buffer. There are no impacts to streams, non-tidal wetlands, the 25-foot wetland buffer, or 100-year floodplain proposed. The applicant proposes planting non-forested buffer areas on the project site to mitigate these impacts. The buffers are associated with tributaries to White Marsh Run (Use IV waters).

Stormwater management review has resulted in revisions to the stormwater management facilities and outfalls resulting in a reduction of total buffer impacts from that proposed in a previous alternatives analysis approval. Included in this current layout is 3,920 square feet of forest buffer impact for a parking area and access road directly adjacent to the stormwater facilities. It is agreed that the most viable alternatives for location of the stormwater management facilities, the parking area, and the access road for this commercial development are the preferred alternatives. When considering site constraints, the layout minimizes impacts to resources while providing the necessary stormwater management with suitable outfall structures, and providing necessary parking and access to all areas of the site. Provided there are adequate sediment controls, and mitigation for the forest buffer impacts, the proposal can be managed to minimize water quality impacts.

This Department has reviewed the variance request and has determined that a practical difficulty and unreasonable hardship does exist. It is acknowledged that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Based on this review, the proposed forest buffer impacts for the parking area/access road meets the requirements of Baltimore County Code Section 33-3-106. In addition, the stormwater management facility alternatives analysis meets the requirements of Baltimore County Code Section 33-3-112 (c) (2) according to the information submitted. The approvals are subject to the following conditions to minimize water quality impacts:

Mr. Devin Leary
KDP Properties, 10540 Philadelphia Road
Forest Buffer Variance, Parking, Grading
Tracking No. 06-18-2658
March 14, 2018
Page 2

1. In accordance with Section 33-3-112 (c) (2) of the Baltimore County Code, the project shall be located, designed, constructed, and maintained to provide maximum erosion protection, to have the least adverse effects on wildlife, aquatic life, and their habitats, and to maintain hydrologic processes and water quality. Following any disturbance, the impacted area shall be restored.
2. The following note must appear on all plans submitted for this project:

“On March 14, 2018, a variance/alternatives analysis was approved by the Baltimore County Department of Environmental Protection and Sustainability (EPS) pursuant to Baltimore County Code Article 33, Title 3 Protection of Water Quality, Streams, Wetlands and Floodplains to allow impacts to the forest buffer for a parking area and stormwater management facilities. Conditions, including on-site planting, were placed on this variance to reduce water quality impacts.”
3. The proposed on-site planting of 12,661 square feet of forest buffer is acceptable for the mitigation. Details of all mitigation and other forest buffer requirements for the variance/alternatives analysis for this project must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved and a security provided with the Environmental Agreement for the project.
4. The forest buffer easements shall be permanently posted with “Forest Buffer - Do Not Disturb” signs as outlined in the FBPP required for this project.
5. The forest buffer easements, forest conservation easements, and forest buffer and forest conservation easements must be recorded in Baltimore County Land Records with the appropriate declarations of protective covenants, conditions, and restrictions.
6. The grading and sediment control plans must be reviewed and approved by this office.
7. All conditions of the variance and alternatives analysis must be completed to the satisfaction of this Department prior to any permit approvals for this project, unless otherwise stated above or in the FBPP.
8. The February 13, 2017 alternatives analysis approval is null and void.

It is the intent of this Department to approve this variance and the alternatives analysis subject to the above conditions. Any changes to site layout or plan information may require approval of an amended variance request.

Please have the property owners and contract purchaser sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

Mr. Devin Leary
KDP Properties, 10540 Philadelphia Road
Forest Buffer Variance, Parking, Grading
Tracking No. 06-18-2658
March 14, 2018
Page 3

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

DVL: pad

S:\EPS\EIR\paul\FBV\philadelphiard10540fbv2018-03.doc

I/We agree to the above conditions to bring this property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, and Floodplains:

Contract Purchaser

Printed Name

Date